

But if a farmer thinks that or says that or if we think that is possible, I would say to those people: Which 48 percent of wheat acres in Kansas do you not want to plant and do you not want to harvest? We produce more in the United States in agriculture than we can consume, and we earn a living by selling that surplus to places around the globe. It is income to farmers and ranchers. It is the economic future of my State.

The trade uncertainty has already impacted markets, as countries that typically buy American-grown commodities have started to look to other suppliers, including to our competitors, especially Argentina and Brazil. Given the trade and market uncertainty, it is critical that we do our job and pass a farm bill this week as we work toward a finished product for the President to sign by the end of September, when the current farm bill, the current legislation, expires.

In that economic development aspect of the farm bill and in that rural development aspect of the farm bill, I want to mention a key provision of the Senate farm bill. I want to indicate some areas in which we can make some improvements, and I would like to do this in a highlighted way in a brief manner.

I want to talk about the importance of broadband to rural States like mine. I was excited to see that the fiscal year 2018 omnibus bill included a loan and grant program in the United States to bolster broadband across our States and bridge the digital divide between urban and rural. To ensure effective use of those Federal resources, I applaud the Senate farm bill for including critical guardrails to prevent duplication and overbuilding of broadband infrastructure for new and current USDA programs. We want to make sure those dollars are spent where there are no broadband services or where there is very little.

Access to broadband in agriculture is so important. It matters in our communities, schools, libraries, hospitals, and businesses, but to farmers in today's world, technology is the key, and broadband access determines whether your farm equipment can provide you with the latest technology and information to more efficiently and effectively and hopefully more profitably farm. Access to quality high-speed broadband will remain a necessary tool for rural communities to participate in an increasingly globalized economy.

I also want to mention something called ECP. I note my appreciation to Chairman ROBERTS that this bill includes an amendment that I offered along with Democratic Members in the Senate, to increase the level of support that ranchers would receive under the Emergency Conservation Program, ECP.

In 2016 and 2017, I talked about how weather wasn't our friend, but that drought then caused fires to consume thousands of acres of grassland in our State, causing great damage to cattle

producers. Ten thousand miles of fence was destroyed in Clark County, KS, alone. The ECP provided assistance to producers but in many cases fell well short of providing the level of assistance needed to replace the miles of fence that ranchers lost in the fire. It wasn't just fencing that ranchers lost; it was their entire herd in many instances.

We also learned of areas of ECP that ought to be improved as a result of those fires. This legislation incorporates those provisions, and I am appreciative that is the case.

Farmers and ranchers have been frustrated by the long delays they have encountered in receiving reimbursement for building those fences under ECP. In many instances, the ranchers didn't have the money to pay for the fencing in the beginning. So this is a significant improvement, and I am grateful it is here. When a ranching family has lost everything in a fire, including cattle, fence, rangeland, and their homes, taking over a year to provide emergency assistance is unacceptable. Further, because they lost everything, many of the ranchers do not have any collateral necessary to get a loan to cover the significant costs of rebuilding fencing.

I also want to compliment the Senator from South Dakota for legislation in an amendment that he has offered regarding livestock hauling. We have a significant problem in our ranching world where, in many communities, truckers—those who haul cattle from market to market, from feed yard, to market, to processing plant—that is an important way to earn a living. The Senator from South Dakota, Mr. THUNE, has offered an additional 150-mile radius exemption for agriculture at the end of that drive.

Cattle are transported across this Nation to Kansas each year, and we need to make sure that the hours-of-service rules for those haulers allow that to occur safely and humanely, yet allow the transportation to continue to occur. I am a cosponsor of legislation to address this issue, and I hope that amendment is included in the farm bill.

Again, I appreciate the chance to have a conversation with my colleagues this evening to highlight the importance of this legislation. This is about the future of America. It is about the future of rural America.

I always look forward to working on a farm bill that allows us an opportunity to enact and improve on policies that help the farmers, ranchers, and the rural communities they live in and support. This farm bill will provide stable farm policies during a time of high uncertainty in agriculture.

I thank Senator ROBERTS, the chairman of the Agriculture Committee, my colleague from Kansas, and I thank the Senator from Michigan, Ms. STABENOW, the ranking Democrat on the committee, for working together. I hope at the end of the day or by the end of this

week we will see the benefits of their work.

I look forward to supporting this bill and continuing to work to improve the final version as it continues its march through conference with the House.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I commend my colleague for his focus on the farm bill and thank him for the work we are doing together on the Consumer Protection Subcommittee of the Commerce, Science, and Transportation Committee. I look forward to continuing that work together, which involves so closely and importantly the rule of law.

FAMILY SEPARATION

Mr. BLUMENTHAL. Mr. President, I come to the floor on a separate issue involving the rule of law. We have been reminded literally within the last 24 hours about the importance of the rule of law as applied to the families who have sought to cross the border and experienced extraordinary cruelty and inhumanity when their children were taken from them. A court, literally in the last 24 hours, issued an order requiring that those children be reunited with their families. That decision is not only a humane and moral one, it is also in accord with constitutional and statutory requirements. Those children never should have been separated from their parents, but now, because of the court, an excessive and abusive use of power will be corrected.

We are living in a time of unparalleled threats to the rule of law and fundamental rights and liberties from a Chief Executive who seems to have no respect for them. The courts are exercising their traditional role—in fact, the role the Founders envisioned for them as a check on unbridled Executive power.

We also learned just today that a key figure in the judicial system, Justice Kennedy, will be retiring this summer. This retirement is earthshaking and gut-wrenching, and his departure means a historic challenge is ahead. The American people should have a voice. My Republican colleagues should follow their own precedent. A confirmation vote should take place after the new Congress is seated. A historic decision—one that will literally shake the decisions of the courts for years and likely decades—requires deliberate consideration that simply is impossible in the short months we have between now and the election; indeed, politically charged months.

The future of privacy protections, women's healthcare, and many basic civil rights, including healthcare—whether young people are on their parents' insurance until the age of 26, whether people are vulnerable to pre-existing condition abuses, whether people have basic healthcare rights that

are guaranteed to them under the Affordable Care Act—all of these rights are at stake and at risk.

The Supreme Court is not just marble pillars and velvet drapes. Its decisions have a direct impact on people's lives and the lives of our children. So we are in this Chamber at a critical moment when the judicial system literally will be determined for decades to come.

Nothing brings this issue home more readily and dramatically than viewing the children who have been separated from their families and the families themselves at the border.

I visited the border this past Friday, along with my colleagues Senator HEINRICH and Senator UDALL of Utah—two good friends and colleagues. At each stop we made, we saw the devastating human impact of this President's immoral and inhumane policies of family separation and family detention. In Tornillo, TX, we visited a tent city where teenagers, 14 to 17 years old, are confined—in effect, incarcerated in a modern-day internment camp. Make no mistake, they have been deprived of basic access to the outside world and of access by that outside world to them.

The deprivation of liberty is the core definition of incarceration, and the potential detainment of tens of thousands of families in exactly that kind of tent city located on our military bases throughout the country should frighten and alarm every American because we are seeing repeated in a different age, in color rather than black and white, the images of those internment camps where thousands of people of Japanese descent were sent during World War II.

We may not agree with every decision of the U.S. Supreme Court, but we know it is unique. It is certainly different as a judicial institution. It should be considered unique in choosing open-minded and fair jurists in the mold of Justice Kennedy for these positions—not right-wing fringe ideologues.

I believe colleagues on both sides of the aisle will stand up and be counted if that kind of right-wing fringe ideology is nominated. We certainly must use every tool available to stop that kind of nominee because what is at stake are real lives like the ones I saw in El Paso.

I met with a 2-year-old girl who trekked across Mexico with her father for a month. Her father held her as we spoke to him. He must now worry whether she will be separated from him and detained indefinitely and indiscriminately. The anguish and anxiety I saw in that girl's eyes still haunt me, and it will be with me for a long time.

We saw a legal, moral, and humanitarian crisis unfolding before our eyes in realtime. This administration claims it is solving this crisis, but the clear, virtually undisputed evidence suggests exactly the contrary. More than 100 facilities nationwide house migrant children, and the administration

is looking to open even more facilities, very likely, on military bases, and little progress has been made on reuniting these families.

The Department of Health and Human Services has reported that 2,047 unaccompanied minor children are still in its custody. Health and Human Services Secretary Azar claimed before the Finance Committee yesterday that there is “no reason why any parent would not know where their child is located.” He claimed that “every parent should know where their child is located.”

The reality is, there is no plan to reunite them. Thousands of parents have no idea where their children are. What is happening on the ground is that many parents are enduring the pain and suffering of simply not knowing where their child is, and many children have the pain and suffering of not knowing where their parent is. The father of the 2-year-old whom I saw clutching his child to his chest as she stared into the unknown future ahead of her has no reason to believe the Secretary of Health and Human Services because he knows what the reality is on the ground.

If the Department of Health and Human Services or the Department of Homeland Security can tell parents where their children are as easily as Secretary Azar claims, they should have done so yesterday. They should have done so before Friday when I visited.

We all know, from firsthand accounts, it simply isn't happening and that the emotional, mental, and physical damage to these families will last a lifetime for many of them. That trauma will be enduring. The President claims his Executive order has solved these problems, but it has not. All it has done is substitute family imprisonment and incarceration for family separation.

This Executive order is in clear violation of the Flores settlement agreement, which is legally binding on the U.S. Government. It prohibits detaining children for more than 20 days, in effect, imprisoning them with their parents, as the Executive order has the effect of doing. Putting aside the humanitarian and moral costs to this Nation and the damage to our image around the world, the cost per individual per day in Tornillo is \$2,000. Let me repeat that number. The cost per individual per day for every person in Tornillo is \$2,000. That cost alone, financially, is intolerable, but moral and humanitarian costs are even more profound.

This Executive order is destructive. It is draconian. It is no answer to the problem of family separation and detention. The evidence is clear from my visit to the border, so far as I am concerned but also in everything the administration said, that the time is now to end this immoral and inhumane zero tolerance policy that involves, integrally, criminal prosecution, and the

rest of these issues really flow from that criminal prosecution because it triggers the imprisonment. In effect, confinement without bail is the way it would be looked at in the civilian setting.

This administration must adopt less restrictive alternatives if it wants to guarantee the appearance of these families for their hearings. We know less restrictive alternatives work, they have been proven in the past, and they also cost less. They are more humane. They protect our moral principles, and they are less expensive.

Piecemeal announcements from this administration have been contradictory and unclear. It has been the opposite of transparent. Congressional committees now must exercise our responsibility for oversight and scrutiny. There must be hearings. It must involve all the Federal agencies with responsibility. As a member of the Senate Armed Services Committee, I am particularly concerned that the Department of Defense is dramatically increasing its involvement in immigration and enforcement. The plan is to build these tent camps on two military bases in Texas. Fort Bliss in El Paso is one of them, and unaccompanied children will be held at Goodfellow Air Force Base in San Angelo. The families at Fort Bliss and the unaccompanied children at Goodfellow Air Force Base in San Angelo will be, in effect, incarcerated at the bases of military men and women who serve and sacrifice for the values that will be betrayed by that illegal and immoral confinement, in violation of the Flores agreement and fundamental principles of fairness.

Military services are preparing, as well, to offer additional military bases to detain migrants. DOD has sent 21 Active and Reserve uniformed judge advocates to the border on temporary order to prosecute Department of Justice immigration cases. All of these developments represent a clear diversion of Department of Defense resources from military mission to immigration enforcement.

The Presiding Officer and I serve together on the Armed Services Committee as well as the Judiciary Committee. We both know the deep and serious consideration that was required as to resource commitments in the latest National Defense Authorization Act—the difficult decisions that had to be made in a time of scarce resources and growing danger around the world through our military and national security. I am concerned that these policies will comprise military residents and immigrants on American military installations.

I consistently oppose the use of these military installations to house unaccompanied migrant children. I will continue to oversee the Department of Defense's involvement in this critical issue.

Again, I urge my colleagues on both sides of the aisle that the Senate Armed Services Committee must hold

an oversight hearing on this issue as soon as possible. We owe it to the American people. Family separation and detention should no longer be a political issue. We need to come together and make sure the President understands that migrant children can no longer be treated as pawns or hostages—as leverage to secure changes to parts of our immigration system that have nothing to do with the plight of these immigrant families. We should reject this President's crude and cynical political strategy. We cannot risk continuing to separate and indefinitely detain migrant families. These practices offend our basic sense of morality and justice, and they are unnecessary to protect our borders.

Yes, we all want border security. Yes, we want to stop drug traffickers and human traffickers from taking advantage of our borders. We want more resources in judges and Border Patrol agents and members of the U.S. Customs and Border Protection Service. They should have the resources and support they need. We met with many of the dedicated men and women who are serving in those agencies. Violating our basic sense of due process, abrogating due process rights so adjudication is denied and due process is abrogated certainly should be intolerable.

At this juncture, the emergent need that has to be addressed now is reuniting these families. If shaming the administration is what is needed, we should do it, but ultimately the rule of law will be enforced by our courts. They will be regarded in history along with our free press as the bulwark between a potentially tyrannical Presidency and preservation of our fundamental rights. Now is the time to celebrate and protect those basic rights and the rule of law.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

REMEMBERING JUDGE GEORGE LEIGHTON

Mr. DURBIN. Mr. President, 27 years ago this week, one of the towering giants of American justice announced that he was retiring. Thurgood Marshall was a pillar of America's civil rights revolution, architect of the legal strategy that ended the shameful era of official segregation in this Nation, and the first African-American Justice of the U.S. Supreme Court. His name will be forever linked with such civil rights icons as Martin Luther King, Rosa Parks, Fannie Lou Hamer, and JOHN LEWIS.

But the moral arc of the universe is never bent by just a few hands. We

know that. The foot soldiers for justice in America's civil rights revolution also includes millions of people whose names are not recorded in history books—people like the men and women of Montgomery, AL, who walked to work and church and every other place for more than a year in 1955 and '56 rather than ride on the back of segregated city buses. The moral arc of the universe was bent by thousands of ordinary men and women who risked their livelihoods and sometimes even their lives by daring to try to register to vote in some states in the Deep South before the Voting Rights Act of 1965.

The city of Chicago was honored to be the adopted home for more than 70 years of a man who bent the moral arc of the universe more than most. George Leighton's name may not be as well known as that of his old friend, Thurgood Marshall, but his contribution to the civil rights movement and to American justice was profound. Judge Leighton died earlier this month at the age of 105. If you think that is remarkable, consider this: He only retired 6 years ago, at the age of 99, still strong and sharp as a tack.

As a pioneering civil rights lawyer, George Leighton took on entrenched racism and injustice in Chicago and far beyond. He fought for fair housing and integrated public schools in Illinois and for voting rights and equal access to jury service in the Deep South, and he won. Several of his legal victories took him all the way to the U.S. Supreme Court.

George Leighton was also a distinguished law professor and a judge. In 1969, he made history as the first African American ever to sit on the Illinois Appellate Court. Six years later, President Gerald Ford nominated him to serve on the Federal bench as a U.S. District Court Judge for the Northern District of Illinois. As a fellow judge and admirer and recently, Judge Leighton defined for generations of Chicagoans what it meant to be a lawyer.

He was a man of enormous intelligent, integrity, and courage who dedicate his first to seeing that the law was applied equally to all. He had a heroic imagination. Board and raised in the era of Jim Crow, he had the vision to imaging a more just America and the courage to help bring that America into existence. His work and his sacrifices broke barriers and changed the meaning of equality in this country.

Judge Leighton was eloquent, with a rich baritone voice. He dressed impeccably, elegantly, and stood ramrod straight well into his 90s. He was a champion chess player. Despite all of that, he was a remarkably humble man.

He was born in 1912 in New Bedford, MA, one of seven children of immigrant parents from the Cape Verde Islands off the western coast of Africa. His family's name was Leitao—a Creole name—but a fourth-grade teacher

changed his name to Leighton, reasoning that he would go further in life with a name that sounded more American.

He and his siblings worked with his parents in cranberry bogs and picked strawberries and blueberries from March until late November every year. His early education was hit-or-miss, since education had to fit in around the demands of farm work. He had reached only the seventh grade by age 17, when he left home to work on an oil tanker sailing from Fall River, MA, to Aruba, off the northern coast of South America. That job ended when the ship's crew mutinied.

George Leighton returned to New Bedford, working in restaurant kitchens and playing percussion in a dance band.

Always a voracious reader, he borrowed books wherever he could and took classes through the Works Project Administration. In 1936, he tied for first place in a local essay contest. With his \$200 prize money, he talked Howard University into admitting him on a conditional basis, without a high school diploma. He made the dean's list that first semester and every semester and graduated from Howard 2 years later, Phi Beta Kappa.

It was during his Howard years that he met Virginia Quivers, the woman who would become his wife and the love of his life.

After Howard, George Leighton attended Harvard Law School on scholarship—one of the few African Americans of his generation to attend that prestigious school—working odd jobs to support himself.

His law studies were interrupted after 1 year by World War II. For 3 years, he served as an officer in the U.S. Army's fabled 93rd Infantry Division, an all-Black division, in places such as Guadalcanal.

He returned to Harvard after the war's end and graduated a year later.

He moved to Chicago to start his legal career. He had never been to Chicago before, but he knew two things about the city: It was a cauldron of racial tension, and Chicago voters had just elected the only African-American Member of Congress. There was important work to do in Chicago, and there was a glimmer of hope that change was possible.

The Chicago that greeted George Leighton was a hard place. Even with a Harvard law degree, George Leighton couldn't rent office space or dine in many of the restaurants or stay at a hotel in the Loop. He was not allowed to join the segregated Chicago Bar Association or the American Bar Association.

For 18 years, he practiced law with other African American attorneys, from an office in the shadow of Comiskey Park on Chicago's South Side. When his clients couldn't afford to pay him, which was not uncommon, he worked for free.

He built a national reputation for criminal and civil rights cases and several times won cases before the U.S.